

US EPA ARCHIVE DOCUMENT

**U.S. Environmental Protection Agency
Office of Pesticide Programs**

**“For Use Only By” Label Statements
January 2006**

Issue

Should the Agency allow labeling restrictions or recommendations such as “for use only by” for pesticide users outside of the restricted use pesticide category? What would be the value of allowing this? What are the problems associated with allowing this? Do States have the ability to restrict sale to certain types of users?

Discussion

Pesticides are classified as either General Use, those products which can be purchased and used by any person, or Restricted Use, those products that can only be purchased and used by certified applicators. Certified applicators must be trained in the proper use of restricted use products before they may purchase and use them. States usually train and certify applicators although in certain instances the federal government may train and certify applicators.

As the result of reviewing data on a chemical, usually through the registration or reregistration process, the Office of Pesticides Programs (OPP) often uses label language to mitigate the risks of a pesticide. One way of attempting to mitigate risks is to restrict the use of a pesticide to certain categories of applicators without actually classifying it as Restricted Use. This is usually done because the toxicity of the pesticide does not cause it to be classified as Restricted Use, yet there are risk mitigating advantages to only having certain applicators use the product. Alternatively, companies often restrict the use of a pesticide for marketing purposes which may or may not have risk mitigation advantages.

The Office of Enforcement and Compliance Assurance (OECA) has held that for the most part attempts to restrict the use of a chemical to certain categories of applicators, such as “For Professional Use Only” or “For Use Only by Pest Control Operators,” without classifying the product as restricted use are ineffective from an enforcement standpoint and thus of questionable use for mitigation purposes. Through PR Notices in 1996 and 2005, OPP has limited the use of termiticides and certain mosquito control products respectively, without classifying products for restricted use. These limitations appear to be effective because the persons specified on the label to apply these products are clearly identifiable, either by a state credential other than certification (state license for termiticides) or by being employed by certain public agencies. It is important to note that the Agency cannot restrict the sale and distribution of a product without classifying it as a Restricted Use Pesticide.

Opportunity for Comment

In addition to this general request for public comments on the issue of limiting use of products without classifying them as restricted use, OPP is interested in comments on particular issues such as, should the Agency allow labeling that appears to restrict use of pesticide products to groups of applicators who are neither certified nor clearly defined/credentialed? What is the value of allowing this? What are the problems or issues associated with allowing this? What is the value or need for having non-enforceable limitations on use/users? Do these types of limitations cause confusion? Do these types of limitations cause legal problems?

Please submit your comments within 60 days to: opp_labeling_consistency@epa.gov. To assist the Agency in responding to comments please include your name, organizational affiliation, and telephone number. Comments received will be made available to the public. Any personal information provided may be subject to disclosure. Do not submit information that you consider to be Confidential Business Information (CBI) or otherwise protected to opp_labeling_consistency@epa.gov.